

REMARKS

The Non-Final Office Action, mailed September 17, 2007, considered claims 1-34. Claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rodriguez et al. (US Patent Publication No.: 2002/0009149). Claims 9, 11-13, 22, and 24-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Brooks et al. (US Patent Publication No.: 2002/0009149). Claims 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodriguez et al. (US Patent Publication No.: 2002/0009149) in view of Brooks et al. (US Patent No.: 7,143,432). Claims 10, 14-21, 23 and 27-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brooks et al. (US Patent No.: 7,143,432), in view of Rodriguez et al. (US Patent Publication No.: 2002/0009149).

By this response, claims 1-3, 9, 10, 12, 13, 22, 23, and 25-29 are amended and claims 4-8, 14-21, and 30-34 are canceled. Claims 1-3, 9-13, and 22-29 remain pending of which claims 1, 9, 22, and 27 are independent claims.

The present invention is directed generally towards a method for displaying an MPEG video stream when the stream is subject to bandwidth constraints and memory limitations. By requesting that the source transmit only specified key frames of an MPEG stream, the client can receive and display a video stream that would otherwise be suppressed. An MPEG stream may be suppressed in two situations: (1) if the client does not have sufficient memory to process the full stream, and (2) if the connection bandwidth is less than the required bandwidth for the video stream. In the present invention, if the client determines that either situation exists, it can request that the source drop non-specified frames from the video stream that is already in the MPEG format. This request specifies some combination of MPEG I, P, and B-frames be sent. Claim 1 is drawn to the situation when the client requests specified key frames due to limited memory while claim 9 is drawn to the situation when the bandwidth is the limiting factor. Claims 22 and 27 are corresponding computer program product claims containing the same limitations as Claims 9 and 1 respectively.

Claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rodriguez. Claims 9, 11-13, 22, and 24-26 were rejected under § 102(e) as being anticipated by Brooks. Claims 5-8, 10, 14-21, 23 and 27-34 were rejected under § 103(a) as being obvious in view of the combination of Rodriguez and Brooks. In view of the current amendments, Applicants

submit that Rodriguez and Brooks fail to teach each limitation of independent claims 1, 9, 22, and 27.

Rodriguez is directed to a method of foregoing decoding of portions of the video stream when the memory is limited and can't process the full stream. However, Rodriguez only fairly suggests embodiments in which that only I-frames or only a selected combination of I, P, and B-frames can be decoded to minimize the memory required. Rodriguez does not disclose or suggest that a client can request that the video source transmit only specified frames of an MPEG stream in response to a determination that memory is limited.

Brooks is directed to a method for customizing a video stream to a particular requesting client. Part of this customization includes modifying the frame rate of the video stream. (col 12, ll. 51-67) However, the frame rate adjustment occurs before the video is encoded into any particular format such as MPEG. The adjustment occurs to match the video frame rate with the frame rate requested by the client. This frame rate represents the number of frames per second of an un-encoded video. For example, if the video frame rate is 11 fps and the requestor can only support 10 fps, a counter can be used to drop every 11th frame. Whether a frame is dropped has nothing to do with the type of frame being dropped (e.g., I, P, or B-frame). This is because the video at this step in the Brooks process is not in any specified format so it would be impossible to specify that everything but I frames be dropped. Therefore, the clients request for a video in a particular format does not consist of a request to transmit specified key frames of an MPEG video.

Accordingly, even if Brooks and Rodriguez were combined, which they shouldn't be, it is clear that their combined teachings would still fail to disclose or suggest that a client can request that the source transmit only key frames of an MPEG encoded video, as claimed, for example, in the amended form of independent claims 1, 9, 22, and 27, and as recited, for example, in combination with the other recited claim elements.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the

cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.<sup>1</sup>

For example, there are many limitations presented in the dependent claims that further distinguish the claims from the cited art, including, but not limited to the limitations presented in claims 12 and 25, wherein the client makes an additional request for specified key frames if the connection bandwidth changes.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 12<sup>th</sup> day of December, 2007.

Respectfully submitted,



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<sup>1</sup> Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.